

SENTENCING MINUTESDate: 05/17/2019

Judge:	<u>T.S. ELLIS III</u>
Reporter:	<u>T. Harris</u>
Time:	<u>12:59 p.m. – 01:29 p.m.</u>
	<u>01:40 p.m. – 01:59 p.m.</u>
	<u>02:11 p.m. – 03:04 p.m.</u>
	<u>(01:56)</u>
Case Number	<u>1:17-cr-00154-TSE-1</u>

UNITED STATES OF AMERICA

Counsel/Govt: John Gibbs, Jennifer Gellie &
Steven Green, FBI Agent

V.

KEVIN PATRICK MALLORYCounsel/Deft: Jeremy Kamens & Todd Richman

Court adopts PSI () without exceptions () with exceptions (X) of Paragraph 39, 40 and 2-level enhancement
(The abuse of the Position of Trust)

Govt and defense objections to Paragraph 39 and 40 was sustained in part and overruled in part. Amended version of Paragraph 39 and 40 was given to the parties in open court. The current version in the PSR to be redacted and replaced with the amended version.

Court sustained PO position on the 2-level enhancement and overruled the defense objection.

SENTENCING GUIDELINES:Offense Level: 43Criminal History: IImprisonment Range: LIFE**JUDGMENT OF THE COURT:**

BOP for 240 months: Count 1 w/5 Years Supervised Release w/special conditions to run concurrently with Count 2.

BOP for 60 months: Count 4 w/3 Years Supervised Release w/special conditions to run concurrently with Count 1.

(X) Fine/costs of incarceration waived

Special Assessment \$200 (\$100 on each of Counts 1 and 4)

Forfeiture Order entered in open court.

Defense noted will appeal the ruling by May 31, 2019.

To facilitate communication with defendant's wife, defense request while incarcerated to speak in Chinese to his wife.

Government objects. Defendant to present authority on the matter by May 24, 2019. Court to review and rule on the issue.

SPECIAL CONDITIONS:

1. All employment must be approved, in advance, by the United States Probation Office.
2. The defendant shall provide the probation officer access to any requested financial information.

RECOMMENDATIONS to BOP:

X Dft. To be designated to: a facility in Salt Lake City, Utah, to be near his family

Other: _____

Deft: (X) Remanded () Cont'd on Bond to Self-Surrender () Referred to USPO () Immediate Deportation